



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
[www.raleighnc.gov](http://www.raleighnc.gov)

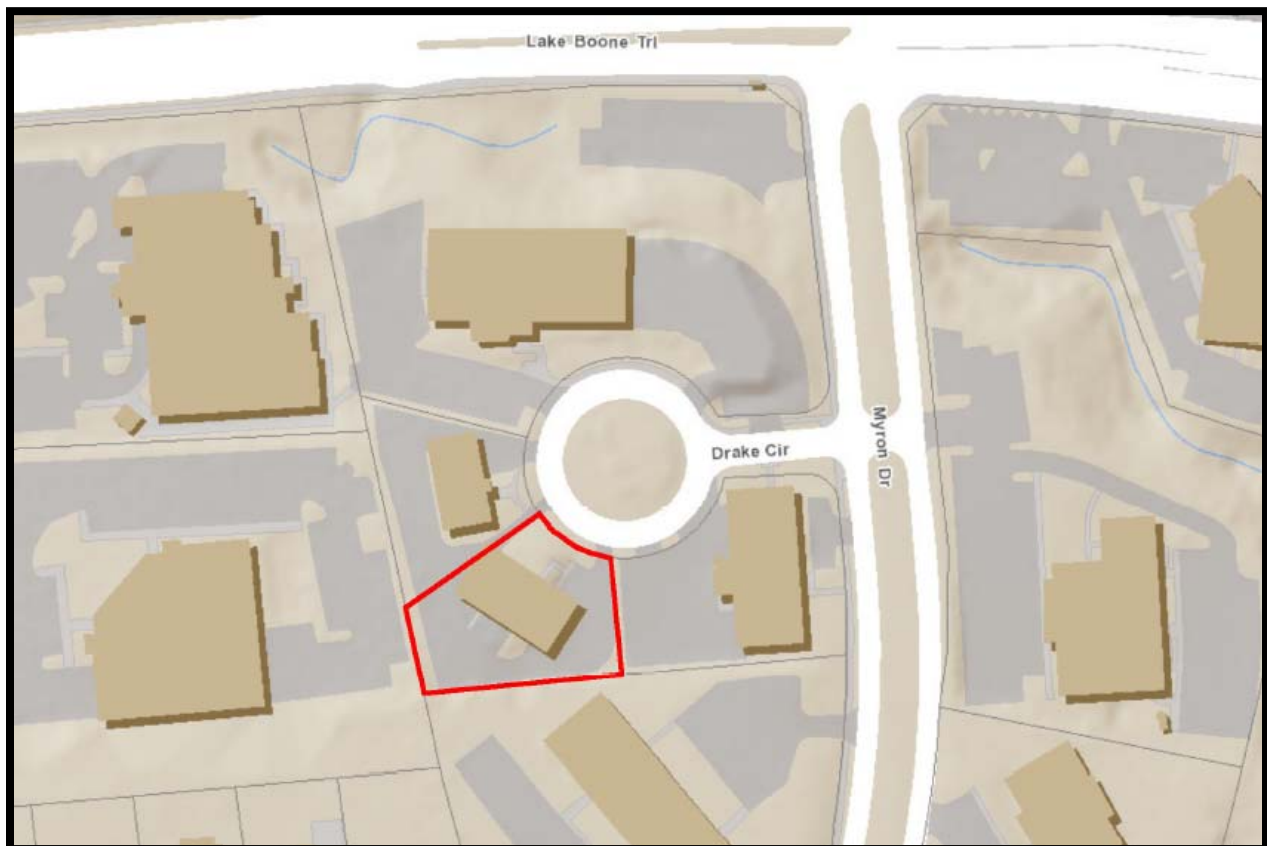
**Case File:** A-55-16

**Property Address:** 3305 Drake Circle

**Property Owner:** A Woman's Choice of Raleigh, Inc.

**Project Contact:** Isabel Mattox

**Nature of Case:** A request for complete relief from the opacity requirements of Sec. 7.2.8.B.8. of the Part 10A Unified Development Ordinance and a 2' variance from the maximum fence height requirements of Section 7.2.8.B.8. of the Part 10A Unified Development Ordinance to allow for an 8' tall closed wooden privacy fence to be located in the street setback area of a .38 acre parcel zoned Office Mixed Use-3 and located at 3305 Drake Circle.



**3305 Drake Circle – Location Map**

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**To BOA:** 5-9-16

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING DISTRICTS:** Office Mixed Use-3 (OX-3)



### 3305 Drake Circle – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

**Sec. 7.2.8. Walls and Fences** (as amended by TC-3-15)

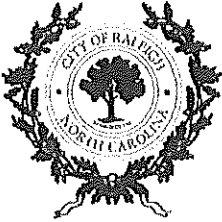
A. Applicability

The following requirements apply to walls and fences located outside of a protective yard or required screening area.

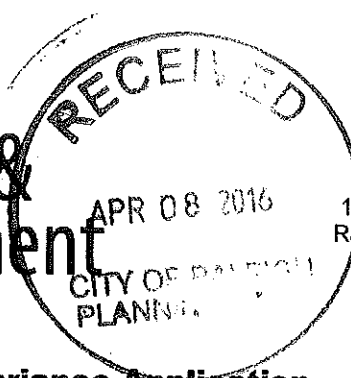
B. General Standards

1. Fences and walls must be constructed of high quality materials including 1 or a combination of the following: decorative blocks; brick; stone; cast-stone; architectural block; split-faced block; stucco over standard concrete masonry blocks; glass block; wood; wrought iron; composite fencing; wire; PVC vinyl; aluminum; metal or other material approved by the Planning Director
2. No wall or fence can be located within any tree conservation area.
3. No wall or fence can be located within any City of Raleigh utility easement without prior written approval of the Director of Public Utilities.
- 4.. No wall or fence can be located within any required drainage easement without prior written approval of the Public Works Director.
5. Barbed wire or concertina wire may be allowed in accordance with Sec. 13-3011.
6. Except in an IH district, chain-link fences are not allowed in any front or side street setback.
7. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections or a change in material.
8. **Except in an IH district, a wall or fence not more than 6 and one half feet in height may be located in a front or side street setback, provided the opacity of the wall or fence above 4 feet in height does not exceed 50%.**
9. A wall or fence may not exceed 8 feet in height in a side or rear setback unless it is located adjacent to a street, in which case it may be no more than 6 and one half feet in height, provided the opacity of the wall or fence above 4 feet in height does not exceed 50%.





# Planning & Development



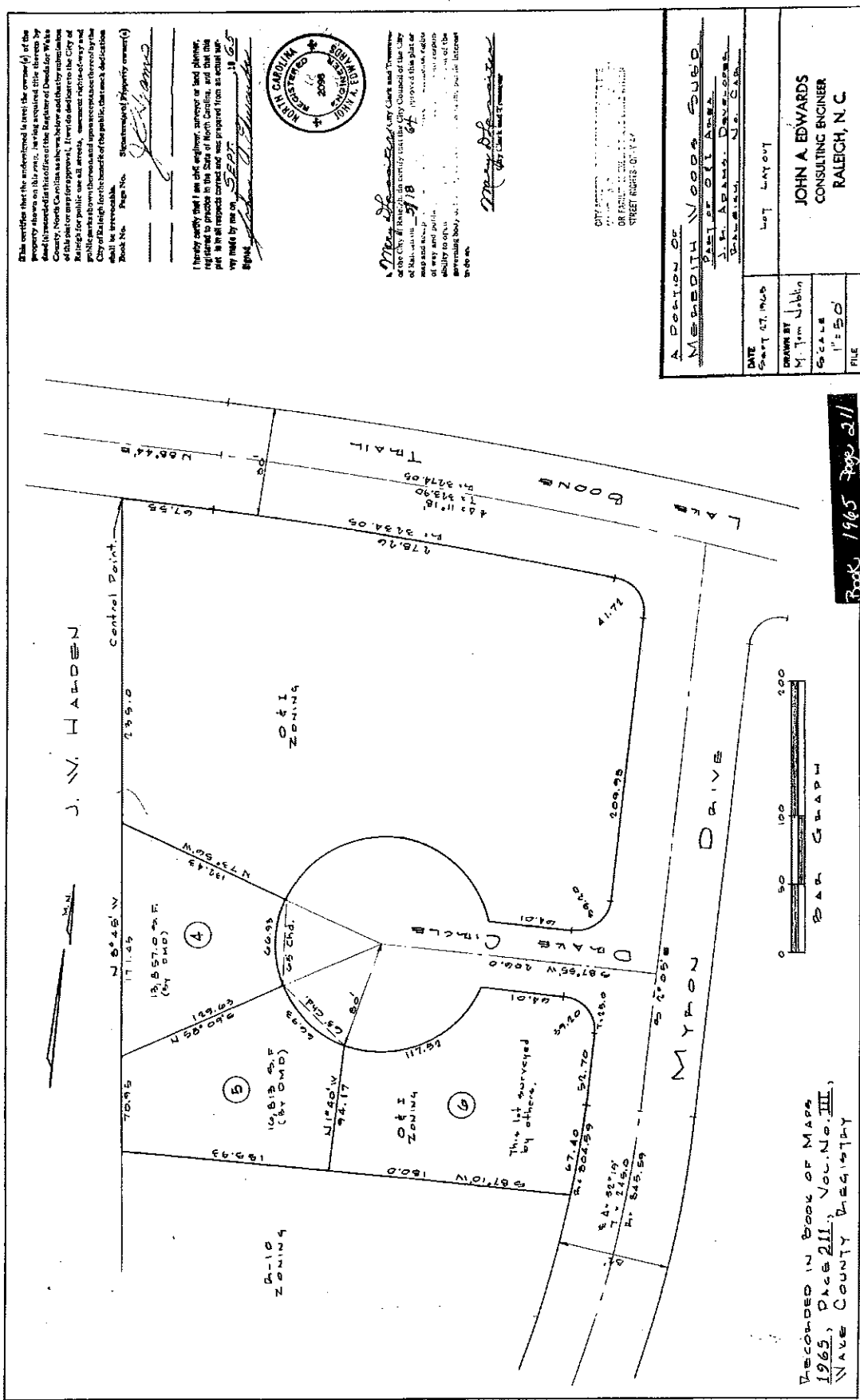
Development Services  
Customer Service Center  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

## Variance Application

		OFFICE USE ONLY
<b>Nature of variance request (Submit addendum on separate sheet, if more space is needed.)</b>  Applicant requests the following variances: 1. A complete variance of the opacity requirements of UDO Section 7.2.8.B.6 2. A two (2) foot variance in the maximum height of a fence under UDO Section 7.2.8.B.7		<b>Transaction Number</b>  
<b>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</b>		

GENERAL INFORMATION		
<b>Property Address</b> 3305 Drake Circle		<b>Date</b> April 8, 2016
<b>Property PIN</b> 0795 01 6469	<b>Current Zoning</b> OX-3	
<b>Nearest Intersection</b> Lake Boone Trail and Myron Drive		<b>Property size (in acres)</b> 0.38A.
<b>Property Owner</b> A Womans Choice of Raleigh Inc.	<b>Phone</b> 919 781-6934	<b>Fax</b> 919 781-2759
	<b>Email</b> Kmartin-jaxral@yahoo.com	
<b>Project Contact Person</b> Isabel Worthy Mattox	<b>Phone</b> 919-828-7171	<b>Fax</b> 919-831-1205
	<b>Email</b> Isabel@mattoxfirm.com	
<b>Property Owner Signature</b> A Womans Choice of Raleigh Inc By <i>[Signature]</i>	<b>Email</b> Kmartin-jaxral@yahoo.com	
<b>Notary</b> Sworn and subscribed before me this <u>6<sup>th</sup></u> day of <u>April</u> , 2016	<b>Notary Signature and Seal</b> 	

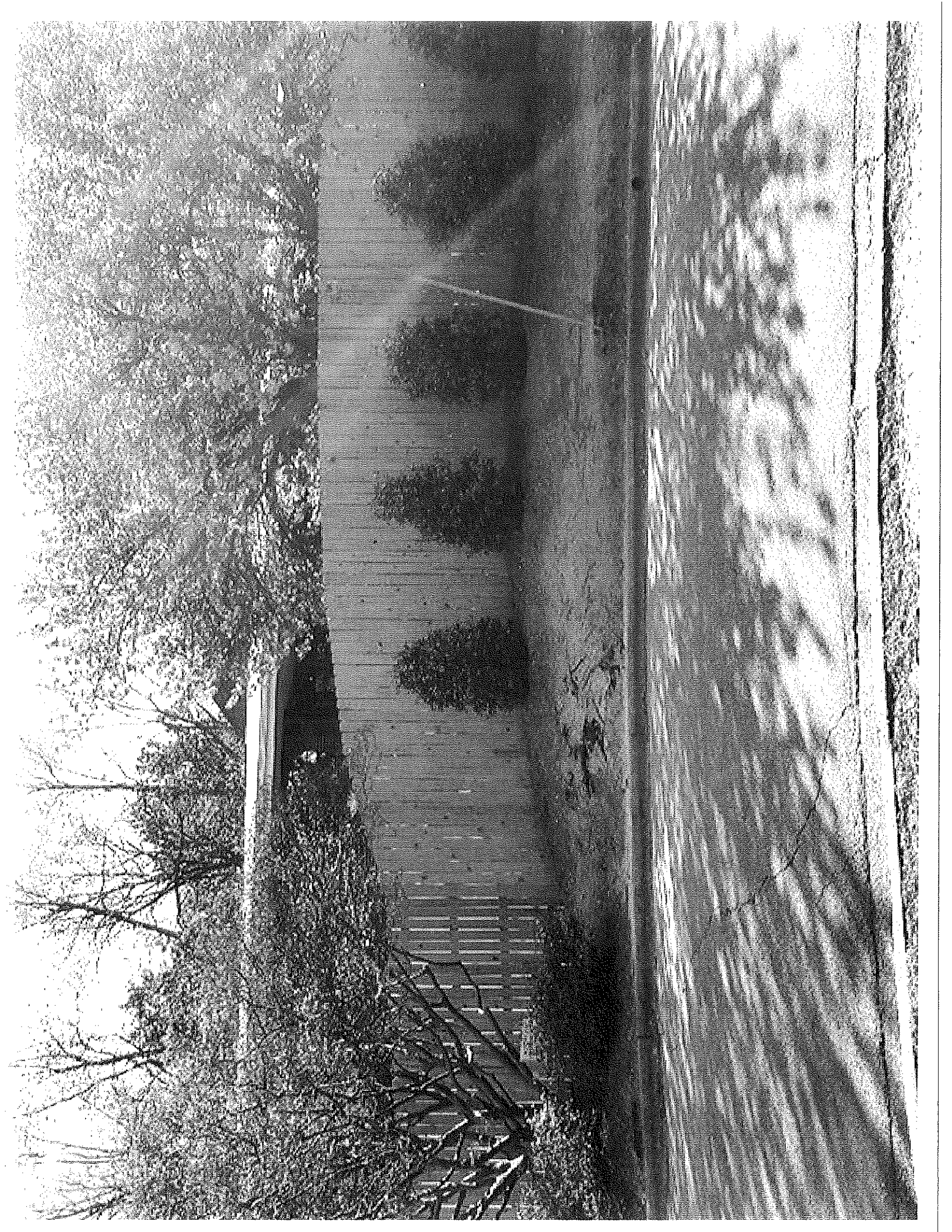
It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



RECORDED IN BOOK OF MAPS  
1965, PAGE 211, VOL. NO. III,  
WAKE COUNTY DEPARTMENT

Book 1965 Page 211











City of Raleigh  
North Carolina

## NOTICE OF VIOLATION

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March 29, 2016

A Womans Choice of Raleigh Inc  
3305 Drake Circle  
Raleigh, NC 27607-3332

RE: Zoning Violation – 3305 Drake Cir.

Dear A Womans Choice of Raleigh:

A zoning violation was identified during an inspection conducted on March 21, 2016 at the property located at 3305 Drake Cir., for which you are responsible. The specific violation(s) is/are:

1. Erecting a fence on the property without first obtaining all necessary permits UDO Section 10.2.7.

During the inspection on March 21, 2016 a fence was identified on the property in which necessary permits had not been obtained to construct. Photographs taken during the inspection are attached.

According to UDO Section 10.2.7 Plot Plan Review "A plot plan is required for certain improvements as listed below... a. Construction of a fence, wall, gazebo, carport, home swimming pool, deck, porch, or patio."

Please be advised that upon receipt of this Notice of Violation you have until **May 3, 2016** to resolve this violation. You may resolve this violation by the following immediate corrective actions:

1. Obtaining all necessary permits for the fence constructed and passing all necessary inspections associated with fence permit obtained or
2. Remove fence
3. Notification of compliance must be submitted to me for inspection on or before **May 3, 2016**

Failure to resolve the violation by **May 3, 2016** will result in an initial fine of \$100.00, an administrative fee of \$100.00, continuing fines of \$500.00 per day, and other enforcement action, including, but not limited to, the commencement of legal action and injunctive relief.

If I may be of further assistance, please do not hesitate to contact me. I may be reached at (919)306-2235 or [erin.sullivan@raleighnc.gov](mailto:erin.sullivan@raleighnc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Sullivan', with a long horizontal flourish extending to the right.

Erin Sullivan  
Zoning Inspector

Attachments: photos






[Home](#)

## Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0055524** PIN # **0795016469**
[Account Search](#)
Location Address  
**3305 DRAKE CIR**Property Description  
**LO5 A PORT OF MEREDITH WOODS BM1965-211**
[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

<b>Property Owner</b> <b>A WOMANS CHOICE OF RALEIGH INC</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>3305 DRAKE CIR</b> <b>RALEIGH NC 27607-3332</b>	<b>Property Location Address</b> <b>3305 DRAKE CIR</b> <b>RALEIGH NC 27607-3332</b>
<b>Administrative Data</b> Old Map # <b>462-00000-0216</b> Map/Scale <b>0795 17</b> VCS <b>RWRA001</b> City <b>RALEIGH</b> Fire District Township <b>MEREDITH</b> Land Class <b>COMMERCL</b> ETJ <b>RA</b> Spec Dist(s) Zoning <b>O&amp;I-1</b> History ID 1 History ID 2 Acreage <b>.38</b> Permit Date <b>4/21/1994</b> Permit # <b>0000017223</b>		<b>Transfer Information</b> Deed Date <b>1/8/2008</b> Book & Page <b>12905 0990</b> Revenue Stamps <b>1000.00</b> Pkg Sale Date <b>1/8/2008</b> Pkg Sale Price <b>\$500,000</b> Land Sale Date Land Sale Price  <b>Improvement Summary</b> Total Units <b>0</b> Recycle Units <b>0</b> Apt/SC Sqft Heated Area <b>5,120</b>	<b>Assessed Value</b> Land Value Assessed <b>\$165,696</b> Bldg. Value Assessed <b>\$521,322</b>  Tax Relief  Land Use Value Use Value Deferment Historic Deferment Total Deferred Value  Use/Hist/Tax Relief Assessed Total Value <b>\$687,018</b> Assessed*

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at [RevHelp@wakegov.com](mailto:RevHelp@wakegov.com) or call 919-856-5400.

Real Estate ID 0055524

PIN # 0795016469

Account  
SearchLocation Address  
**3305 DRAKE CIR**Property Description  
**LO5 A PORT OF MEREDITH WOODS BM1965-211**[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address <b>3305 DRAKE CIR</b>		Building Description <b>A WOMAN'S CHOICE</b>		Card 01 Of 01	
Bldg Type <b>36 Medical Office</b> Units Heated Area <b>5,120</b> Story Height <b>1 Story</b> Style <b>Conventional</b> Basement <b>60% Partial Bas</b> Exterior <b>Brick</b> Const Type <b>Exposed Steel</b> Heating <b>Central</b> Air Cond <b>Central</b> Plumbing <b>Adequate</b>		Year Blt <b>1967</b> Eff Year <b>1997</b> Addns Remod <b>1994</b> Int. Adjust. <b>BSMT-Fully Finished</b> Other Features		Base Bldg Value <b>\$671,834</b> Grade <b>25.55 100%</b> Cond % <b>B 77%</b> Market Adj. Market Adj. Accrued % <b>77%</b> Incomplete Code <b>Card 01 Value \$521,322</b> All Other Cards Land Value Assessed <b>\$165,696</b> Total Value Assessed <b>\$687,018</b>	
Main and Addition Summary			Other Improvements		
Story	Type	Code	Area	Inc	Units
M	1 BR/PB		3200		5836
A	1 STP	0149	15		SF PAVASPH
B	1 OP	0310	45		0028 1985 25
C					
D					
E					
F					
G					
H					
Building Sketch			Photograph 1/26/2015		
			0055524 01/26/2015		